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FO#2151967

76150-N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: April 13, 2006

FILE NO.: FO2151967

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY SEAN CARIAGA, #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY [redacted] #[redacted]
TRANSIT SERVICES NORTH BUREAU

On August 1, 2005, TSB Deputies [redacted] and Cariaga responded to a call of a suspicious man acting bizarrely on an MTA bus. Upon arrival, they contacted the suspect who at first appeared cooperative because he exited the MTA bus without incident. However, when Deputy [redacted] began to search the suspect, the suspect abruptly turned toward Deputy [redacted] and attacked Deputy [redacted]

Deputies [redacted] and Cariaga fought back and attempted to take-down the suspect, but they were unsuccessful because the suspect grabbed a hold of a chain link fence for support and balance. After much struggle, the deputies were able to wrestle the suspect to the ground. However, the deputies were unable to contain the suspect as the suspect again got back up to his feet, where he continued to kick and punch the deputies. The deputies requested assistance and a Taser via the radio; no Tasers were available. Unable to subdue the suspect by lesser means, and with both deputies becoming exhausted, Deputy Cariaga jabbed the suspect in the upper torso with his wooden straight stick baton. When this had no effect, Deputy Cariaga struck the suspect several times on the legs with his baton.

Deputies [redacted] and [redacted] who had arrived in response to the assistance request, grabbed onto the suspect's legs and upper body. Deputy [redacted] applied OC spray, which apparently had little or no effect, and the suspect was taken down to the ground. The suspect was handcuffed and a hobble restraint was applied. An LAPD officer who was present, assisted in applying the hobble restraint about the suspect's legs; he left prior to being identified.

The suspect was transported to Kaiser West Los Angeles Hospital where it was determined that he had sustained a broken right knee cap and a fracture to the right pinky finger.

Deputy Cariaga complained of pain to his left elbow and Deputy [redacted] complained of pain to his right wrist.

On April 13, 2006, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputy was reasonable and necessary and in compliance with Department policy. MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: April 13, 2006

FILE NO.:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: PATRICK J. JORDAN, CAPTAIN
TRANSIT SERVICES NORTH BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE, AUGUST 1, 2005, REVIEW #FO2151967**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on April 1, 2005.

The Committee met on April 13, 2006 and consisted of myself and Commanders Kenneth Brazile (Commander of the Department), and Eric Smith (Leadership and Training Division). The Committee determined the use of force by Deputy Sean Cariaga, #[redacted] Deputy [redacted] #[redacted] Deputy [redacted] #[redacted] and Deputy [redacted] #[redacted] was within Department policy.

Please advise the deputies of this finding.

JGJ:MAH:mh

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN:	405-05143-6893-145	Date:	August 1, 2005	Time:	1540 hrs.
Location:	Fairfax Avenue at Apple St., Los Angeles				
City or Station:	Transit Services Bureau				
Bureau/Station/Facility:	Transit Services Bureau	Admin. Investigation:	YES ☐ NO ☒		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	33	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
Use Business - [redacted]	Los Angeles	90012	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	52	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Nitz	Sandler	B.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Sivard	David	J.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ryan	Jerome	F.

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: Stunson, David J. (Print) Emp #: [redacted]

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only
FO#

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

See Reverse

Supervisor's Report on Use of Force

URN: 405-05143-6893-145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S-1	E-1	PK	BR	H1
S-1	E-2	PK	NN	
S-1	E-3	RS	NN	
S-1	E-4	PK	NN	
E-1	S-1	BC	FR	KN
E-2	S-1	OC	NN	
E-2	S-1	HB	NN	
E-3	S-1	RH	NN	
E-4	S-1	RH	NN	
S-1	E-1	PH	BR	HI

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 405-05143-6893-145

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Cariaga	Sean	M.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	H	IDT	689B

Shift		Age	Height	Weight
[ ] EM [ ] Day [X] PM	[ ] Regular Shift [X] OT Shift [ ] Off Duty	[redacted]	5-07	170

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	
[ ]			Directed Force [ ] Significant Force [X]

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	H	[redacted]	[redacted]

Shift		Age	Height	Weight
[ ] EM [ ] Day [redacted] PM	[redacted] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	5-07	185

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
[ ]			Directed Force [ ] Significant Force [ ]

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	H	[redacted]	[redacted]

Shift		Age	Height	Weight
[ ] EM [redacted] Day [ ] PM	[redacted] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	6-00	150

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
[ ]			Directed Force [ ] Significant Force [ ]

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	W	[redacted]	[redacted]

Shift		Age	Height	Weight
[ ] EM [redacted] Day [ ] PM	[redacted] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	6-02	170

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
[ ]			Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [ ] Female			

Shift		Age	Height	Weight
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
[ ]			Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [ ] Female			

Shift		Age	Height	Weight
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	
[ ]			Directed Force [ ] Significant Force [ ]

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 405-05143-6893-145

Suspect Information

S1

Last Name	Lopez	First Name	Jose	Middle Name	Sarel
AKA Last Name	Campos	First Name	Juan	Middle Name	nmn

Sex:	Race:	Street Address:	City:	State & Zip Code:
☒ Male ☐ Female	H	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
[redacted]	[redacted]	31	5-07	07-08-74	150	☐

Booking #: 8679364 Primary Charge: 243(C) PC Secondary Charge: Criminal History [redacted]

Hospital Admission? ☒ Rec'd Treatment At: Kaiser Permanente W.L.A. Coroner Case#: Mental History ☐

Under Influence: ☒ YES ☐ NO Substance: alcohol, methamphetamine

Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
08-01-05	1645 & 1930	☒	☒

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance:

Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
		☐	☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance:

Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
		☐	☐

INVESTIGATIVE NARRATIVE
USE OF FORCE
TRANSIT SERVICES BUREAU / MTA BUS LINE #68 - WEST LOS ANGELES

TYPE: BATON STRIKES FRACTURING SUSPECT'S RIGHT KNEE AND FINGER

I.A.B. File Number: FO2151967
URN: 405-05143-6893-145

DATE / DAY / TIME: August 1, 2005 / Monday / 1550 hrs.

LOCATION: S. Fairfax Ave. at Apple St., Los Angeles

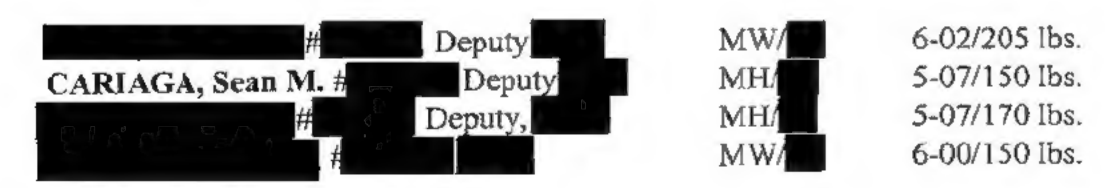
On Monday, August 1, 2005, at 1815 hours, Lieutenant Curtis Jensen and Sergeants David Stunson and Larry Landreth of the Internal Affairs Bureau responded to the Kaiser Permanent Hospital in West Los Angeles regarding a prisoner being treated for a reportedly fractured right knee and left pinky finger during his arrest by deputies on an MTA bus.

Transit Service Bureau Deputies [redacted] and Sean Cariaga responded to a call of a suspicious man on an Metropolitan Transit Authority (MTA) bus. Upon their arrival, the bus operator had exited the bus and the bus driver's seat was occupied by Suspect Jose Lopez. The suspect refused to exit the bus when ordered to by Deputy [redacted] Deputies [redacted] Cariaga and subsequently arriving Deputies [redacted] and [redacted] used force to overcome the fighting and resisting Suspect Lopez to take him into custody. As a result of baton strikes, control holds and oleo resin capsicum spray, Suspect Lopez was injured and taken to Kaiser Permanente West Los Angeles Hospital where he was found to have sustained fractures to his right knee cap and left pinky finger.

(Refer to **Exhibit A,** Incident Report, and **Exhibit C**, photographs, and **Exhibit K**, medical records).

The narrative of this incident is based on information obtained from related reports, interviews of the suspect, involved employees and witnesses.

INVOLVED PERSONNEL:



[redacted] #[redacted] Deputy [redacted]	MW/[redacted]	6-02/205 lbs.
CARIAGA, Sean M. #[redacted] Deputy [redacted]	MH/[redacted]	5-07/150 lbs.
[redacted] #[redacted] Deputy, [redacted]	MH/[redacted]	5-07/170 lbs.
[redacted] #[redacted]	MW/[redacted]	6-00/150 lbs.

EMPLOYEE WORK HISTORY:

[redacted]



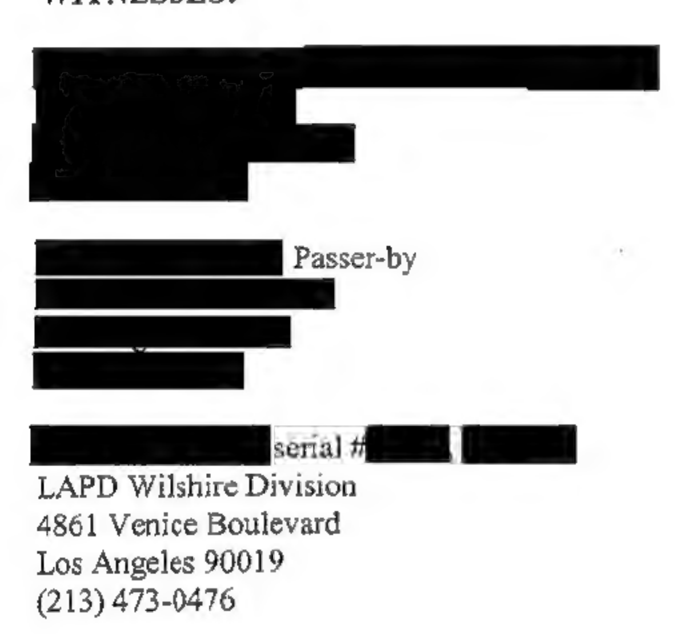
[redacted]

SUSPECT CHARGES:

LOPEZ, Jose BK#8679364 MH/31 5-07"/150 lbs.

Suspect Lopez was arrested and booked on charges of: Battery on a Police Officer, 243(C)(1)P.C. There is no record of past arrest history under this name.

WITNESSES:



[redacted]

[redacted] Passer-by
[redacted]

[redacted] serial #[redacted]
LAPD Wilshire Division
4861 Venice Boulevard
Los Angeles 90019
(213) 473-0476

INJURIES:

SUSPECT JOSE LOPEZ

Suspect Lopez was treated on scene by paramedics from the Los Angeles Fire Department, Engine Company 94. He was later transported to Kaiser Permanente Hospital in West Los Angeles for treatment and X-rays after a complaint of pain to his right knee and left pinky finger. X-rays revealed his left knee cap (patella) and his right pinky finger (prox phalanx) were fractured.

(Refer to photographs, **Exhibit C, figures 9 & 11** and medical records, **Exhibit K**).

Kaiser Physician Dr. Brennen Beatty was contacted by Sergeant Stunson. He confirmed the fractures but declined to be formally interviewed regarding his opinion as to what may have caused the injury to Suspect Lopez

DEPUTY CARIAGA

Deputy Cariaga sustained a bruised elbow, sore left hand and a bruised hip. According to Health and Safety Senior Employee Services Representative Marian Gallegos, there was no hospitalization and Deputy Cariaga did not miss any work.

PHYSICAL EVIDENCE:

None.

INVESTIGATOR OBSERVATIONS:

The IAB investigator reviewed the video-recorded interview of Suspect Lopez conducted by Transit Services Bureau Field Sergeant Sandler B. Nitz, #[redacted]

The interview took place at 1630 hours on August 1, 2005, while Suspect Lopez was seated on a curb at the location of the incident. He told Sergeant Nitz that he had been drinking and taking drugs. His general demeanor was as if he was heavily under the influence of one or both substances. He was not following questions and not providing an account of what occurred and appeared at that time, unable to give a reasonable account of what led up to police being called and what happened to him once they arrived and contacted him.

WEAPONS USED BY DEPUTY PERSONNEL:

Baton, Oleo Resin Capsicum spray, Control holds and forced handcuffing.

WEAPONS USED BY SUSPECT:

Suspect Jose Lopez:

Suspect Lopez attempted to punch and kick deputies and resisted their efforts to handcuff and arrest him.

PROPERTY DAMAGE:

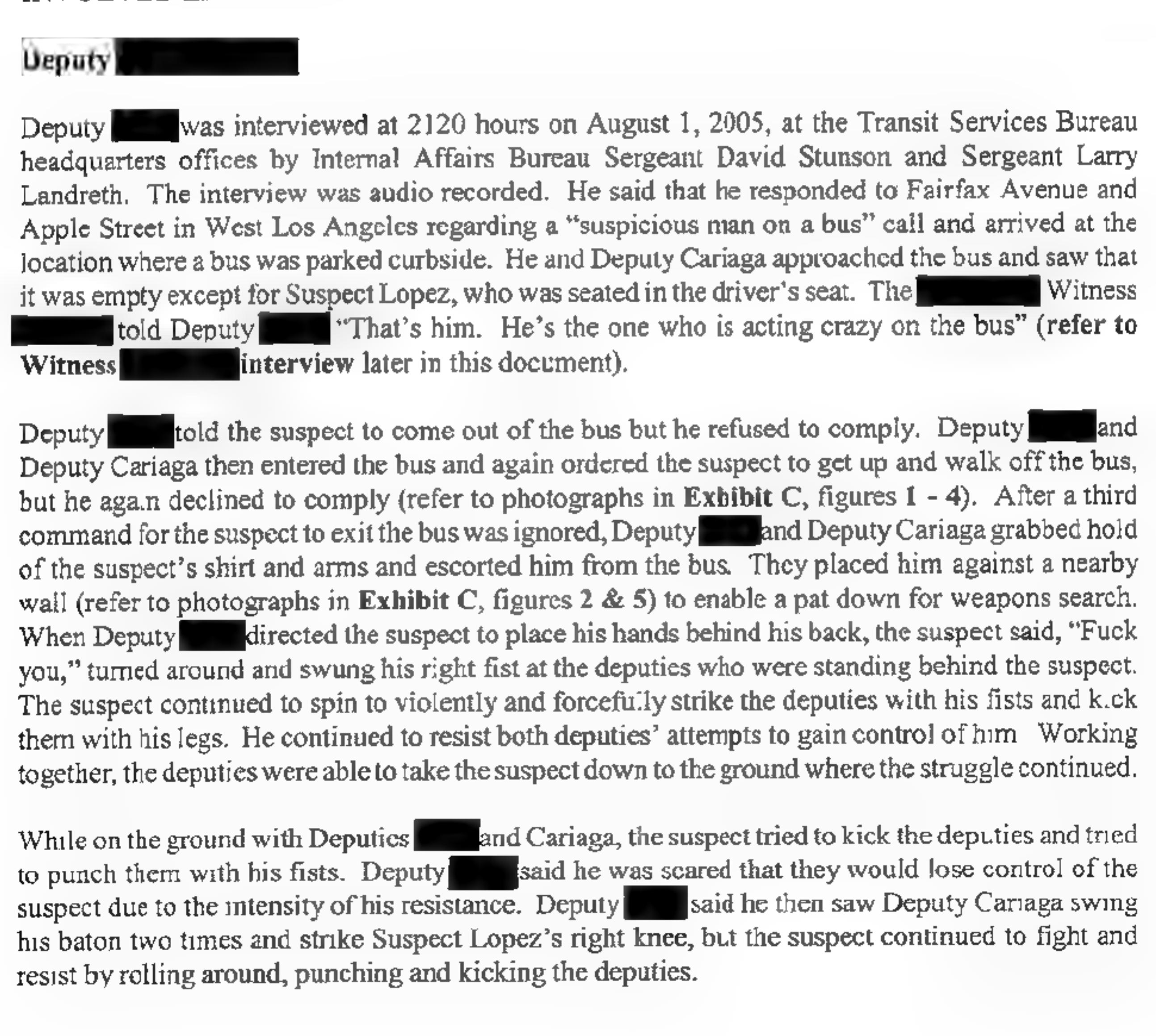
None.

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Transit Services Bureau Detectives
Detective Julia M. Honegger

Suspect Lopez was charged with 243 (C)(1) P.C., Battery on a Peace Officer W/Injuries and 11550 H&S, Under the Influence

District Attorney Reject - According to the investigator's notes, the filing Deputy District Attorney's determination not file the case was due to the absence of articulation in the report of serious injury to deputies and also due to none of the arresting deputies being trained Drug Recognition Experts.



INVOLVED EMPLOYEE STATEMENTS:

Deputy [redacted]

Deputy [redacted] was interviewed at 2120 hours on August 1, 2005, at the Transit Services Bureau headquarters offices by Internal Affairs Bureau Sergeant David Stunson and Sergeant Larry Landreth. The interview was audio recorded. He said that he responded to Fairfax Avenue and Apple Street in West Los Angeles regarding a "suspicious man on a bus" call and arrived at the location where a bus was parked curbside. He and Deputy Cariaga approached the bus and saw that it was empty except for Suspect Lopez, who was seated in the driver's seat. The [redacted] Witness [redacted] told Deputy [redacted] "That's him. He's the one who is acting crazy on the bus" (**refer to Witness [redacted] interview** later in this document).

Deputy [redacted] told the suspect to come out of the bus but he refused to comply. Deputy [redacted] and Deputy Cariaga then entered the bus and again ordered the suspect to get up and walk off the bus, but he again declined to comply (refer to photographs in **Exhibit C**, figures **1 - 4**). After a third command for the suspect to exit the bus was ignored, Deputy [redacted] and Deputy Cariaga grabbed hold of the suspect's shirt and arms and escorted him from the bus. They placed him against a nearby wall (refer to photographs in **Exhibit C**, figures **2 & 5**) to enable a pat down for weapons search. When Deputy [redacted] directed the suspect to place his hands behind his back, the suspect said, "Fuck you," turned around and swung his right fist at the deputies who were standing behind the suspect. The suspect continued to spin to violently and forcefully strike the deputies with his fists and kick them with his legs. He continued to resist both deputies' attempts to gain control of him. Working together, the deputies were able to take the suspect down to the ground where the struggle continued.

While on the ground with Deputies [redacted] and Cariaga, the suspect tried to kick the deputies and tried to punch them with his fists. Deputy [redacted] said he was scared that they would lose control of the suspect due to the intensity of his resistance. Deputy [redacted] said he then saw Deputy Cariaga swing his baton two times and strike Suspect Lopez's right knee, but the suspect continued to fight and resist by rolling around, punching and kicking the deputies.

Deputy [redacted] said that Deputy [redacted] arrived a minute or so into the struggle and Deputy [redacted] grabbed Suspect Lopez. [redacted] said that Deputy [redacted] then sprayed the suspect in the face with O.C spray but it had little or no effect and the suspect continued to fight with deputies.

Deputy [redacted] arrived a few minutes into the fight and tried to handcuff the suspect. Deputy [redacted] saw Deputy [redacted] continue to struggle to handcuff the suspect when [redacted] noticed an LAPD officer arrive and assist in subduing the suspect and getting him handcuffed and hobbled. He said the LAPD officer left almost immediately after he helped to control the suspect. Deputies requested paramedics, who arrived within a few minutes. After initial exam by paramedics on scene, the suspect was transported to the hospital for treatment.

Deputy [redacted] said his level of force was to hold the suspect's right wrist to assist in getting Suspect Lopez handcuffed.

> **IAB Note:** Deputy [redacted] recollected that he was the one who actually grasped the suspect's right hand and ultimately handcuffed the suspect. The two similar recollections by Deputy [redacted] and Deputy [redacted] is apparently due to the exhaustive and languishing duration of the altercation with [redacted] controlling the right wrist for a portion of the incident and [redacted] in the final stages.

> **IAB Note:** A review of the audio recording of Deputy [redacted] call for assistance illustrates the level of desperation in his voice when he requested assistance in overcoming the fighting suspect.

Deputy Sean Cariaga:

Deputy Cariaga was interviewed the evening of August 1, 2005, at the Gateway Plaza offices of Transit Services Bureau by Internal Affairs Bureau Sergeants Stunson and Landreth. The interview was audio recorded. He said that he is assigned to Industry Station but was working overtime on the date of the incident.

Deputy Cariaga said he heard the dispatch of a call over the radio regarding a suspicious man on a bus. He then heard the call upgraded to include a call for assistance from deputies on scene and directions to respond Code 3. When he arrived, he saw that all passengers were off of the Metropolitan Transit Authority (MTA) bus and only one male Hispanic was on the bus, seated in the driver's seat. Deputy [redacted] was on scene also. Deputy Cariaga said that Deputy [redacted] entered the bus and ordered Suspect Lopez to exit the bus. After repeated orders and assistance by the deputies, the suspect complied and the two deputies escorted the suspect over to a "chain link fence" to pat him down (refer to **Exhibit C**, figures 2 & 5) As Deputy Cariaga took hold of the suspect's right wrist to control him, the suspect resisted by pulling his arm away from the deputy. Cariaga said he "lost control" and then he and Deputy [redacted] attempted a "take down" maneuver of Suspect Lopez, but the suspect had grabbed the chain link fence with both hands, preventing the move. The deputies

ultimately broke the suspect's grasp from the fence and got him down to the ground, but the suspect struggled away from the deputies repeatedly, by rolling back and forth on the ground while kicking at them

When Deputy Cariaga saw Deputy [redacted] grab a hold around Suspect Lopez's upper body and noticed that the hold had little effect in subduing the suspect, Cariaga drew his baton and struck Suspect Lopez one time with a "pool-cue" type of jab to the suspect's "rib/sternum" area. The jab also had little effect in gaining control of the suspect. Deputy Cariaga said that he then hit the suspect "several times on the legs with the baton." After the baton strikes, the deputies were able to get the suspect handcuffed.

Deputy Cariaga said he injured his left elbow and left hand. He also sustained a bruised hip when kicked by the suspect.

> **IAB Note:** Health and Safety Unit Senior Employees Services Representative Marian Gallegos confirmed that Deputy Cariaga was seen by a doctor but he did not miss any work as a result of the injuries.

Deputy [redacted]

Deputy [redacted] was interviewed the evening of August 1, 2005, at the Gateway Plaza offices of the Transit Services Bureau by Internal Affairs Bureau Sergeants Stunson and Landreth. The interview was audio recorded. [redacted] said that he was given the assist on a call for a suspicious man on a bus and he subsequently heard the call for assistance from deputies on scene. When he arrived at the location, Deputy [redacted] saw Deputies [redacted] and Cariaga "struggling with Suspect Lopez," both deputies trying to detain and hold him down.

Deputy [redacted] stepped in and grabbed a hold of the suspect's upper body; they fell to the ground, the suspect on his stomach continuing in a flopping up-and-down motion under [redacted] Deputy [redacted] said it was a constant struggle to gain control of the suspect's right arm. [redacted] then O.C. sprayed the suspect in the face with a two-second burst but it had no visible effect in neutralizing the suspect. He said that the entire time deputies were struggling with Suspect Lopez, approximately 40 people were watching nearby.

Deputy [redacted] said he broadcast a request for additional units over his radio and advised "we're still fighting" until more deputies arrived to help. He said that Deputies [redacted] and Cariaga were finally able to get the kicking and resisting Suspect Lopez handcuffed. [redacted] said an unidentified LAPD officer arrived and helped to apply a hobble restraint on Suspect Lopez. Deputy [redacted] said the officer left immediately after the hobble was applied.

Deputy [redacted]

Deputy [redacted] was interviewed the evening of August 1, 2005, at the Kaiser Permanente Hospital by Internal Affairs Bureau Sergeant Stunson. The interview was audio recorded. He said that he heard the dispatch of a call for a suspicious man over the radio and then the call for assistance, from deputies on scene.

Upon his arrival, he saw three deputies, Deputies, [redacted] [redacted] and Cariaga on the side walk, wrestling with Suspect Lopez. The deputies appeared winded and tired as if they had been fighting with the suspect for an extended period of time. He said the suspect was violently kicking his legs at the deputies who were "rolling around" apparently trying to take him into custody. To assist the deputies, Deputy [redacted] ran up and placed his right knee between the suspect's shoulder blades and grabbed a hold of Suspect Lopez's already handcuffed right hand. He struggled for approximately 2 minutes to get the suspect's right arm behind his back to get it handcuffed to his left wrist. After succeeding in handcuffing the suspect, Suspect Lopez continued resisting and kicking his legs.

A Los Angeles Police officer arrived and assisted deputies in hobbling the suspect's legs. Deputy [redacted] said that as soon as the hobble was applied, the suspect stopped fighting, which allowed deputies to pick up and secure the suspect in the rear of one of the radio cars until Sergeant Nitz's arrival. He said that although the suspect was not very big, he seemed to have extraordinary strength, much like someone who is under the influence of a drug that effects the central nervous system. Deputy [redacted] said that he did not see any of the deputies or the LAPD officer use any impact weapons. He said he believed he arrived at the tail end of the altercation and that if any impact weapons were used, it was prior to his arrival. He said he was not hurt during the incident.

WITNESS STATEMENTS:

[redacted]

[redacted] Witness [redacted] was interviewed by Transit Services Bureau Sergeant Sandler Nitz at 1700 hours on August 1, 2005. Sergeant Nitz was assigned and working as the field sergeant on the shift of occurrence. The interview was video recorded. She told the sergeant that Suspect Lopez was a passenger on her bus when he approached her and asked her to call the police because "someone was trying to kill" him. She described him as "fidgeting" and his behavior scared her. She [redacted] and requested police to respond to her location, via her [redacted].

Suspect Lopez repeatedly migrated up to Witness [redacted] location at the front of the bus, coming up behind her and refusing to go back to a seat when she requested him to do so. Concerned about his demeanor, she [redacted] into the West Los Angeles Transit Center where she stopped the bus. She ordered him to get off the bus and he refused. He kept, "fidgeting with my camera by my seat." She told him to stop. She said, "He was acting weird."

At the transit center and fearing for her safety, Witness [redacted] got off the bus. She saw the suspect then get into her bus driver's seat and begin to laugh and giggle. Deputies arrived and she saw two of them go onto the bus and contact the suspect . The suspect stood up and one of the deputies told the suspect he needed to exit the bus. The suspect would not comply with their commands. She said that deputies grabbed the suspect and escorted him from the bus. The suspect looked surprised and unaware of what was transpiring.

Witness [redacted] said that once off the bus, the deputies asked the suspect to, "Please put your hands behind your back" so they could handcuff him and, "he wouldn't do it....He resisted arrest." They asked him "several times." Deputies kept trying to get the suspect's hands behind his back and the suspect "was twisting with his body," resisting. Witness [redacted] said the suspect "was holding onto a chain link fence" as they struggled with him. The suspect was trying to run and deputies tried to get him on the ground.

The witness said that once on the ground, the deputies kept telling Suspect Lopez to stop resisting them. He was kicking the deputies and all three (two deputies and the suspect) were rolling around. One deputy pulled out his baton (presumably Deputy Cariaga). The witness said Hispanic bystanders were yelling (unspecified if in English or Spanish) at the suspect to stop resisting and to put his hands behind his back, but he ignored their pleading.

Witness [redacted] said the entire incident took approximately 10 to 15 minutes. She saw one of the deputies strike the suspect with his baton but the suspect continued kicking at and fighting with deputies. She said he continued to fight even after one of the deputies (presumably Deputy [redacted] sprayed him with some O.C. She had no further comments on her observations.

[redacted]

Witness [redacted] was interviewed by Transit Services Bureau Sergeant Sandler Nitz at 1640 hours on August 1, 2005. The interview was video recorded. He told the sergeant that he saw deputies arrive to the location and saw Suspect Lopez, who was seated inside the bus. Two deputies "took the man off the bus" and asked him to "place his hands behind his back" but he fought with the deputies rather than comply.

The witness said the suspect wouldn't cooperate and continued fighting with the two deputies, with one or both of the deputies continuously yelling, "Stop fighting." The suspect kept struggling for several minutes. One of the deputies used his baton and the suspect still fought with the deputies. Other deputies arrived to help. Deputies continuously commanded the suspect to stop fighting but even with the additional officers on scene, Suspect Lopez kept fighting them.

Witness [redacted] said, "The officers didn't do nothing wrong," and that the suspect "was rough on himself." The witness had no further comments on his observations of the incident.

LAPD [redacted]

[redacted] serial # [redacted] was telephonically interviewed by Internal Affairs Bureau Sergeant Stunson on March 20, 2006, at 1204 hours. He said he remembered responding to the August 1, 2005, call for assistance that he heard over his radio.

Upon his arrival, [redacted] saw deputies escorting the handcuffed suspect to a radio car. He remembered that another Los Angeles Police Department officer was on scene and leaving as he (Witness [redacted]) was arriving. [redacted] did not remember the name of which Los Angeles Police Department officer he briefly saw there. He said whatever force may have occurred, occurred prior to his arrival and he only saw the aftermath of Sheriff's personnel finishing their business at the location. [redacted] said that he had no knowledge of any unusual or inappropriate circumstances relative to the incident.

The identity of the assisting Los Angeles Police Officer was not determined.

SUSPECT STATEMENT:

Suspect Jose Lopez

Suspect Jose Lopez was first interviewed at about 1630 hours on August 1, 2005, by Sergeant Nitz while the suspect was handcuffed and seated on the curb at the location of his arrest. Sergeant Nitz asked him if he had been using drugs and he said, "Yes." Sergeant Nitz asked him if he had been drinking and the suspect said, "Yes." When asked what sort of drugs he was using, the suspect did not answer and looked around as if he was not able to focus on having a conversation or crafting an answer to Sergeant Nitz' question.

Suspect Lopez was interviewed a second time at 1945 hours on August 1, 2005, by Internal Affairs Bureau Sergeant Stunson at Kaiser Permanente West Los Angeles Hospital where he was being treated for injuries he sustained during the altercation with deputies. It appeared difficult for him to stay focused on the questions posed to him and he repeatedly switched from English to Spanish.

> **IAB Note:** This apparent inability to focus did not seem to be from his being pain so much as it did from his being under the influence of some substance.

Suspect Lopez said that he "fell on the floor" and "something hurt my leg." Initially he denied fighting with deputies but after further questioning, he said that he was trying to get away from deputies. He explained that when he was on the bus, he could "not get comfortable in" his seat. There had been a man with a knife on the bus and he was afraid the man was going to hurt him. When asked, he could not elaborate on the "man with a knife."

He said that when deputies tried to handcuff him, he tried to escape. He said one of the deputies hit him "on the leg" and another one "put some spray" in his face. When asked, he could not elaborate on what the deputy hit him with.

Suspect Lopez admitted that he had been using "crystal meth" and "drinking beer" and that he had been awake since the day prior to the incident. He still appeared to be under the influence of alcohol or a drug when he was interviewed.